IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1389 OF 2005
IN
CRIMINAL APPLICATION NO.5922 OF 2004
ALONG WITH
CRIMINAL APPLICATION NO.5922 OF 2004

M/s. Krishiraj Agro ...Petitioner.

V/s

The State of Maharashtra
and Anr. ...Respondents.

Mr. Harshad Bhadbhade for the petitioner.
Mr. D.P. Adsule for the respondent - State.

CORAM: V.M.KANADE,J.
DATE: 17th March, 2005

P.C.:

1. Heard the learned counsel for the applicant.

2. Criminal Application No.5922 of 2004 is restored to the file for the reasons stated in Criminal Application No. 1389 of 2005.

3. Criminal Application No.5922 of 2004 is taken up for admission forthwith.

4. Applicant is challenging the order of issuance of process by the Magistrate on an application being filed by the respondent No.2 under section 138 of the Negotiable Instruments Act. It is submitted by the

learned Counsel appearing on behalf of the applicant that the complaint has been filed by the person who was not authorized by the Company to file such complaint and, as such, the process itself ought not to have been issued. He has invited my attention to page 38 - Exhibit-C of the application in which name of the person who filed the complaint does not appear. He, therefore, submitted that the process should not have been issued.

5. It is not possible to accept the submission made by the learned Counsel appearing for the applicant as the said issue can be agitated before the Trial Court. No case is made out for interfering with the order of issuance of process. Criminal Application No.5922 of 2004 is, therefore, dismissed.

6. Criminal Application Nos.1389 of 2005 and 5922 of 2004 are disposed of.

V.M. KANADE, J.